THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2469 of 2007

Date: 12.02.2007

Between:

Palla Siva Prasad and others.

....Petitioners

And

The District Registrar, Visakhapatnam and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2469 of 2007

O R D E R:

Petitioners state that their mother was the absolute owner of an extent of 3000 square yards of land in (old Survey Nos.140/A and 140/2) new Survey No.141/1B of Vepagunta Village, Pendurthy Mandal, Visakhapatnam District and consequent upon her death, the property devolved upon them. It is stated that they intended to sell the said land and in that process, approached the second respondent with a request to furnish the basic value of the property, to enable them to compute the stamp duty. The grievance of the petitioners is that the second respondent is not entertaining any document, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Numbers. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the

petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioners approach him.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the documents that may be presented by the petitioners; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

12.02.2007

Note: Issue C.C. in three days

(B/o)

JSU

---

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77